

PROFESSIONAL ENGINEERS SECTION MEETING

MINUTES

The Professional Engineers Section of the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) met on November 5, 2009, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

Nico De León
Stanley C. Harris
Wiley V. Johnson, III

Staff present for all or part of the meeting were:

Jay W. DeBoer, Director
Mark N. Courtney, Deputy Director of Licensing and Regulation
Marian Brooks, Board Administrator
Earlyne Perkins, Legal Analyst
Amy Goobic, Administrative Assistant

No representative was present from the Office of the Attorney General.

Mr. Harris, Chair, called the meeting to order at 9:15 a.m.

Call to Order

Mr. Harris advised the Section of the emergency evacuation procedures.

Emergency Evacuation Procedures

Mr. Johnson moved to approve the agenda. Mr. Harris seconded the motion which was unanimously approved by members: De León, Harris and Johnson.

Approval of Agenda

There were no comments made to the Section members.

Public Comment Period

Regarding **File Number 2010-01303, Michael Newlin**, the Section members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcripts and exhibits and the summary and recommendation of the presiding Board member. Mr. De León recommended the Board accept the recommendation of the presiding Board member and approve Mr. Newlin's application to take the Fundamentals of Engineering Exam and that he be allowed to sit for the FE Exam. In addition, since this approval is based on Newlin's original application, the 3 year time period for successful completion of the FE Exam begin on the date that the full Board approves his application. Mr.

File Number 2010- 01303, Michael Newlin

Harris seconded the motion which was unanimously approved by members: Harris and De León.

As the reviewing Board member Mr. Johnson was not present during the discussion or vote.

The Section continued discussion of the JMU ISAT program, initially discussed at the May 12 Section meeting. After review of the course information presented by the ISAT team in May, the Section agreed with the letter sent by Ms. Nosbisch November 25, 2008, that the degree does not meet the requirements contained in the Board's regulations. They further agreed that applicants would have to be reviewed on a case by case basis. The Section requested a letter be sent from the Board recommending the faculty or academic advisors at JMU make students aware of, or provide the "Course Requirements for Engineering Technology Program" form that is on the Board website, to let students know of the additional requirements for licensure.

Continued
Discussion of JMU
ISAT Program

Discussion was held on applications that are received without the required amount of experience, but the applicant may have the required experience by the application due date. Mr. Johnson stated that this puts an administrative burden on the staff, especially as the number of applications continues to increase. The Section agreed that applicants need to follow the requirements and deadlines set forth by the Board; applications must be complete and received by the deadlines. The Section asked that the schools be informed that there may be delays due to incomplete applications.

Discussion of
Incomplete
Applications

Discussion was held on a request from Mr. Richard Costello, P.E., regarding clarification of whether "correcting or modifying" a professional's plan without written permission is a violation of the Board's regulations. The Section referred to 18VAC10-20-740, and agreed that there is a distinct difference between "completing" or "replicating" a plan (18VAC10-20-740.D) and correcting or modifying. Regulation 18VAC10-20-740.D specifically addresses "completing" or "replicating" and does not specifically address "correcting or modifying" a plan.

Request for Board
Interpretation from
Richard Costello, PE
– Correcting and/or
Modifying Plans

Nonetheless, if a professional is using a plan to correct or modify and existing structure, they are taking responsibility for the modification and ensuring that the correction or modification has no adverse ramification on the rest of the design. However, the "corrected or modified" plan should note sourcing information, and that field verification of the information from the original plan must be performed.

Discussion was held on a second request from Mr. Richard Costello, P.E., regarding the Virginia High Voltage Line Safety Act, certain sections of the National Electric Code and the responsibility of surveyors to include this information on subdivision plans or “house permit plans or plots.” The Section agreed that this information would affect the licensee differently depending on whether they were performing a physical survey or a design; if a professional engineer is involved, they would be responsible for this information.

Request for Board Interpretation from Richard Costello, PE – VHVLSA & NEC Related to Surveying Requirements

The Section was presented with a request for clarification of Code Evaluation Reports and their adherence to Board regulations. The Section reviewed several sample evaluation reports and documents provided by the petitioner. After discussion, the Section agreed that pursuant to §54.1-402.A.9, if a Professional Engineer or Architect is not required on a project, the Code Evaluation Reports are permissible. If a Professional Engineer or Architect is required, then the licensee is responsible for the design of the project and could use the Code Evaluation Reports for material selection. The application of the standard design must be signed by a Virginia licensed professional.

Request for Board Interpretation on Code Evaluation Reports

The Section was presented with correspondence received from Mr. Chuck Dunlap, L.S., regarding VDOT/Fairfax County and their requirement for a Professional Engineer to sign/seal certain documents. Mr. Dunlap holds a Land Surveyor B license and feels that he should be allowed, according to statute, to sign/seal documents that contain engineering incidental to his project. The Section agreed that according to the Board’s statutes, a licensed land surveyor may be qualified to sign/seal such documents, however, different agencies and localities may have different requirements. Mr. Johnson referred to §54.1-410.A, states that the Board has no authority over public officials authorized by law, to approve plans in connection with improvements to real property. The Section agreed that the Board can determine whether a licensee is qualified or not, but cannot tell the permitting agency what to do.

Request for Board Interpretation from Chuck Dunlap, LS – Regarding VDOT

The Section was provided correspondence from VDOT concerning the signing and sealing of plans by Professional Engineers. VDOT also provided a list of documents that are now required to be signed and sealed by a Professional Engineer.

VDOT Professional Signing & Sealing Implementation

As requested at the August 5, 2009, Section meeting, PE & EIT statistics for out-of-state applicants (FY08 and FY09) were provided to the Section for informational purposes. They were also given a comparison of total PE licensees from 2007 to 2009.

PE & EIT Statistics

Ms. Brooks informed the Section that the request for acceptance as foreign credential service from Josef Silny & Associates, Inc., was presented for informational purposes.

**Request for
Acceptance as
foreign credential
service – Josef Silny
& Associates, Inc.**

Mr. Harris reported on the NCEES Annual meeting in Louisville, Kentucky, August 12-15. He stated that there were no controversial issues, and that the BS + 30 was moving to a Masters, but was still being discussed. Mr. Harris said that NCEES would like to see a more uniform approach to licensing and regulation.

**Discussion of NCEES
topics**

The Section members were provided with election results from the NCEES Annual Conference in August and were also informed of the NCEES 2009 Engineering Awards.

Mr. Courtney informed the Section that due to the recent gubernatorial election, a new agency director would be appointed, however it would probably be March or April before an appointment is made.

Other Business

Conflict of Interest forms were completed by all members present.

**Conflict of Interest
Forms**

There being no further business, the meeting was adjourned at 12:40 p.m.

Adjourn

Stanley C. Harris, Chair

Jay W. DeBoer, Secretary